

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

Southern District of Texas

FILED

April 29, 2018

MCALLEN DIVISION

UNITED STATES OF AMERICA

David J. Bradley, Clerk of Court

V.

Jonathan Gerzain Carlos-Espinoza *Principal*
 YOB: 1993
 Mexico

CRIMINAL COMPLAINT

Case Number:
 M-18-0925 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 28, 2018 in Hidalgo County, in the Southern District of Texas defendants(s) did, *(Track Statutory Language of Offense)* knowing or in reckless disregard of the fact that Silva Nava-Garcia, citizen and national of Mexico, and Armando Saul Ramirez-Deras, a citizen and national of Guatemala, along with five (5) other undocumented aliens, for a total of seven (7) who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport, by foot, said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 28, 2018, Border Patrol Agents responded to a camera activation revealing several subjects walking north, away from the river, near Mission, TX. Agents, along with a Customs and Border Protection air asset, apprehended a total of eight subjects.

Agents identified themselves as Border Patrol Agents and determined all eight subjects to be illegally present in the United States. While obtaining biographical information and searching the eight subjects, one of the subjects, identified as Jonathan Gerzain CARLOS-Espinoza a citizen of Mexico, had in his possession two cellular phones. When asked why he was in possession of two cellular phones, CARLOS claimed that one of the cellular phones belonged to another subject in the group, identified as Silvia NAVA-Garcia.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on April 28, 2018.

SEE ATTACHED:

Continued on the attached sheet and made a part of this complaint: Yes No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

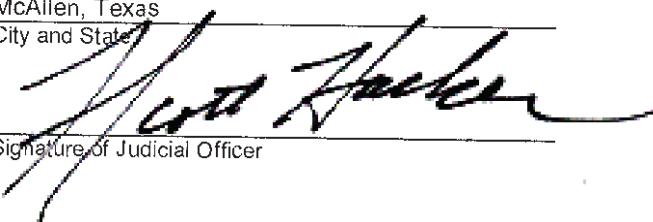
Signature of Complainant

/S/ David Bernal III Senior Patrol Agent
 Printed Name of Complainant

Sworn to before me and subscribed in my presence,
 April 29, 2018
 Date

at McAllen, Texas

City and State


 Signature of Judicial Officer

J Scott Hacker, U. S. Magistrate Judge
 Name and Title of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-0925 -M

RE: Jonathan Gerzain Carlos-Espinoza

Continuation:

Agents questioned NAVA regarding her cellular phone to which she stated she asked CARLOS to safeguard her phone, due to the group having to cross the river. NAVA further stated that CARLOS was the person guiding the group in the United States.

An additional subject in the group, identified as Armando Saul RAMIREZ-Deras, voluntarily stated that the guide was also apprehended within the group.

All eight subjects were placed under arrest and transported to the McAllen Border Patrol Station for processing.

Principal Statement:

Jonathan Gerzain CARLOS-Espinoza, a citizen of Mexico, was advised of his Miranda Rights, claimed he understood his rights and refused to answer questions without the presence of an attorney.

Material Witnesses Statements:

Silvia NAVA-Garcia, a citizen of Mexico, and Armando Saul RAMIREZ-Deras, a citizen of Guatemala, were advised of their Miranda Rights. Both subjects stated they understood their rights and agreed to answer questions without the presence of an attorney.

Material Witness 1:

Silvia NAVA-Garcia claimed her family made her smuggling arrangements and were to pay 7,000 USD. NAVA stated that the guide, Jonathan Gerzain CARLOS-Espinoza, approached the group in Mexico and informed them that he was going to cross them in to the United States. CARLOS instructed the group to board the raft and paddled them across the Rio Grande River. Once in the United States, CARLOS further instructed the group to follow him, to be quiet, and to not fall behind. NAVA stated that CARLOS was on a cellular phone as he guided the group. NAVA claimed they walked for approximately one hour before the group, along with CARLOS, were apprehended by Border Patrol Agents.

NAVA identified Jonathan Gerzain CARLOS-Espinoza, thorough a phot lineup, as the guide.

Material Witness 2:

Armando Saul RAMIREZ-Deras claimed he made his smuggling arrangements and paid 9,000 USD to be smuggled into the United States. RAMIREZ stated the group crossed the river on a raft. Once in the United States, the guide, Jonathan Gerzain CARLOS-Espinoza, instructed the group to follow him and to hurry. RAMIREZ claimed CARLOS was on his cellular phone while he guided the group, and eventually informed the group that he was going to call for a vehicle to pick them up. RAMIREZ stated the guide was wearing a black shirt.

RAMIREZ identified Jonathan Gerzain CARLOS-Espinoza, through a photo lineup, as the guide.